

REMARKS/ARGUMENTS

Initially, Applicants wish to thank the Examiner for granting the personal Examiner Interview, held in the Examiner's Office on February 2, 2011, and for the courtesies extended to Applicants' Attorney Gary V. Harkcom and Applicants' Representatives, Mr. Seiji Hamada and Mr. Takamitsu Abeta.

In the Official Action, claims 24-25, 27-41, and 43-46 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 24-25, 27-41, and 43-46 were rejected under 35 U.S.C. § 102(b) as being anticipated by OUCHI (the English machine translation of JP2000181784).

Upon entry of the present amendment, each of the two pending independent claims 24 and 41 has been amended. Dependent claims 29 and 43 have been cancelled. Claims 1-23, 26, and 42 were previously cancelled. Thus, claims 24-25, 27-28, 30-41, and 44-46 are currently pending for consideration by the Examiner.

In the Official Action, claims 24-25, 27-41, and 43-46 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, the Official Action asserts that the specification does not describe the following provisions of the claimed subject matter, i.e., "a controller operable to select the first or second recording area according to the write command and without regard to size of the received data" (emphasis added), in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention.

Applicants respectfully traverse this rejection, since Applicants believe that their disclosure describes the above-cited subject matter in such a way as to reasonably convey to one skilled in the relevant art that Applicants had possession of the claimed subject matter at the time

of the invention. However, in order to expedite the prosecution of the present patent application to allowance, Applicants have amended each of independent claims 24 and 41 to delete the objectionable phrase. Accordingly, Applicants respectfully request that the rejection of claims 24-25, 27-28, 30-41, and 44-46 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, be withdrawn.

In the Official Action, claims 24-25, 27-41, and 43-46 were rejected under 35 U.S.C. § 102(b) as being anticipated by OUCHI. Applicants respectfully traverse this rejection. Nevertheless, in order to expedite the prosecution of the present patent application to allowance, Applicants have amended each of independent claims 24 and 41 to recite additional patentable features. Accordingly, Applicants submit that the amended independent claims 24 and 41 are not anticipated by OUCHI, since OUCHI fails to disclose each and every feature recited therein.

With regard to amended independent claim 24, Applicants submit that OUCHI does not disclose at least the provision of amended independent claim 24 that explicitly recites: *a controller operable to select the first or second recording area according to a data type specified in an argument at a designated location in the write command* (emphasis added). OUCHI also fails to disclose the provision of amended independent claim 24 that explicitly recites: *wherein when receiving the write command, the controller selects the first or second recording area based solely upon the specified data type of the received data and writes the received data to the selected area* (emphasis added).

In distinct contrast to the features recited in amended independent claim 24, Applicants submit that OUCHI discloses a memory storage system that includes a control means that stores write data in either one of a first size data storage or a second size data storage according to the size of write data. (See OUCHI English translation, paragraph [0018]. Thus, OUCHI does not

select the recording area based upon a specified data type, as explicitly recited in amended independent claim 24.

Additionally, it is noted that OUCHI's paragraph [0028] states that OUCHI's system may be made to judge the size of the write data based on an instruction code transmitted from a host processor. This paragraph further illustrates the distinct differences between OUCHI's system and the features recited in amended independent claim 24. For instance, OUCHI discloses that an "instruction code" may be used to judge the size of the write data. In distinct contrast, amended independent claim 24 explicitly recites that an argument at a designated location in the write command is utilized to convey a designated data type that is the basis for the system determining the recording area wither the data will be stored.

For at least the reasons discussed above, Applicants submit that OUCHI fails to anticipate amended independent claim 24, since OUCHI does not disclose each and every feature recited therein. Additionally, Applicants submit that OUCHI fails to anticipate amended independent method claim 41, since amended independent claim 41 recites features similar to the features discussed above regarding amended independent claim 24. Furthermore, Applicants submit that dependent claims 25-28, 30-40, and 45-46, which depend upon amended independent claim 24, and dependent claim 44, which depends upon amended independent claim 41, are also patentable for at least the reasons discussed above, and further for the additional features recited therein. Accordingly, Applicants respectfully request that the rejection of claims 24-25, 27-28, 30-41, and 44-46 under 35 U.S.C. § 102(b) as being anticipated by OUCHI be withdrawn.

Applicants submit that support for the present amendment is at least provided in Applicants' specification, from page 23, line 5, through page 24, line 2.

In conclusion, Applicants respectfully submit that currently pending claims 24-25, 27-28, 30-41, and 44-46 satisfy the statutory requirements for patentability, for at least the reasons discussed above. Accordingly, Applicants respectfully request that an indication of the allowability of claims 24-25, 27-28, 30-41, and 44-46 be provided in the next Official communication.

STATEMENT OF THE SUBSTANCE OF EXAMINER INTERVIEW

On February 2, 2011, a personal Examiner Interview was held regarding the present patent application. The participants in the personal Examiner Interview were Examiner Michael Alsip, Applicants' Attorney Gary V. Harkcom, and Applicants' Representatives Mr. Seiji Hamada and Mr. Takamitsu Abeta. The first topic discussed during the interview was the rejection of claims 24-25, 27-41, and 43-46 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The discussion primarily focused upon independent claim 24, and to a lesser extent upon related independent claim 41, with regard to the "without regard to size" claim language cited in the Official Action. The interview included a discussion of the cited claim language, related areas of Applicants' specification, and possible amendments to the claim language.

The second topic discussed during the interview was the rejection of claims 24-25, 27-41, and 43-46 under 35 U.S.C. § 102(b) as being anticipated by OUCHI (the English language translation). The discussion primarily focused upon independent claim 24, with regard to the Examiner's interpretation of the OUCHI reference in view of the claim language. The interview included a discussion why Applicants' believe OUCHI does not anticipate independent claim 24, since OUCHI does not disclose each and every feature recited therein. The interview concluded with no specific agreements being reached. However, Mr. Harkcom stated that a response to the Official Action would be filed soon.

Note: Applicants wish to bring to the Examiner's attention an apparent typographical error in the Examiner's "Interview Summary", mailed February 8, 2011. In the cited "Interview Summary", the claim identified as being discussed is incorrectly identified as claim "1". The correct claim is independent claim "24" (since claim 1 was previously cancelled).

SUMMARY

From the amendments, remarks, and arguments provided above, Applicants respectfully submit that all of the pending claims in the present patent application are patentable over the references cited by the Examiner, either alone or in combination. Accordingly, reconsideration of the outstanding Official Action is respectfully requested, and an indication of the allowance of claims 24-25, 27-28, 30-41, and 44-46 is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the present patent application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims that have been made in this amendment, and which have not been specifically noted to overcome a rejections based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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